

STATEMENT OF BASIS (AI No. 25350)

for draft Louisiana Pollutant Discharge Elimination System Permit No. LA0123170 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: Marine Coatings & Linings, LLC
638 Bayou Road
Belle Chasse, LA 70037

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services (Office)
Post Office Box 4313
Baton Rouge, LA 70821-4313

PREPARED BY: Gene Jarreau

DATE PREPARED: November 2, 2009

1. PERMIT STATUS**A. Reason For Permit Action:**

Issuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

B. NPDES permit: NPDES permit effective date: N/A
NPDES permit expiration date: N/A
EPA has not retained enforcement authority.

C. LPDES permits: N/A
LPDES permit effective date: N/A
LPDES permit expiration date: N/A

LAR05N697 Reauthorization
LPDES permit reauthorization effective date: May 25, 2006
LPDES permit reauthorization expiration date: April 30, 2011

D. Date Applications Received: October 19, 2005 and October 16, 2009. Additional information received via e-mail on October 1, 2009 and October 30, 2009.

2. FACILITY INFORMATION**A. FACILITY TYPE/ACTIVITY:** Vessel repair facility.

This is an existing vessel repair facility. Vessel repair consists of primarily the sandblasting and painting of inland barges and towing vessels. The facility also performs minor steel repairs to vessels. No barge/vessel/equipment/container/tank cleaning is done at this facility (100% barge repair). Sandblasting is performed in conjunction with painting activities, and occurs either on the facility dry dock, on barges in the water tied to the facility, or on landside areas of the facility. There are no incoming cargo/commodities from customer barges. This facility normally operates Monday through Friday, 12 hours per day during daylight hours, but it has the capability to operate 7 days a week, 24 hours a day. Allowed water discharges will be from facility ballast water, dry dock ballast water, and void water, and from treated sanitary wastewater. Facility dry dock water discharges are mainly from the receiving waters, used and returned directly back in dry dock ballast operations. Treated sanitary

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wastewater discharges will be covered by this permit from an individual 500 gallon per day treatment unit into an effluent reduction field. Any effluent not absorbed is discharged into a ditch. Stormwater discharges are covered by the Multi-Sector Storm Water General Permit authorization LAR05N697. Shipyard fuel is stored in an outside storage tank that has spill containment. All paint is stored under cover and is kept sealed until used.

B. FEE RATE

1. Fee Rating Facility Type: Minor
2. Complexity Type: I (BPJ based on Interim Strategy for Complexity Designation Determinations for SIC Codes 3731 and 3732)
3. Wastewater Type: II
4. SIC Code: 3731

C. LOCATION: 638 Bayou Road in Belle Chasse, Plaquemines Parish.
 Latitude 29° 49' 35"; Longitude 90° 03' 56".

3. OUTFALL INFORMATION

Outfall 002

Discharge Type: the discharge of treated sanitary wastewater.

Treatment: Micro-Bacterial; Clarifier; Chlorination

Location: at the point of discharge from the STP prior to combining with other waters.

Flow: 80 GPD (Intermittent)

Discharge Route: By effluent pipe into an open drainage ditch, thence into Bayou Barataria Drainage Canal.

Outfall 03B

Discharge Type: the intermittent discharge of facility ballast water, dry dock ballast water, and void water.

Treatment: None

Location: at the point of discharge from the vessel/dry dock prior to combining with other waters.

Flow: 100 GPD (Intermittent)

Discharge Route: By pipe into the Gulf Intracoastal Waterway.

4. RECEIVING WATERS

STREAM - Bayou Barataria Drainage Canal and the Gulf Intracoastal Waterway

BASIN AND SEGMENT - Barataria Basin, Subsegment 020601

DESIGNATED USES - a. primary contact recreation
 b. secondary contact recreation
 c. propagation of fish and wildlife

5. TMDL STATUS

Subsegment 020601, Intracoastal Waterway – from Bayou Villars to Mississippi River, is listed on LDEQ's Final 2006 303(d) List as impaired for fecal coliform. To date no TMDLs have been completed for this waterbody. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a TMDL. Until completion of TMDLs for the Barataria Basin, those suspected causes for impairment have been eliminated in the

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formulation of effluent limitations and other requirements of this permit. Additionally, suspected causes of impairment which could be attributed to pollutants which were not determined to be discharged at a level which would cause, have the reasonable potential to cause or contribute to an excursion above any present state water quality standard were also eliminated.

For fecal coliform and this facility, effluent limitations and monitoring requirements have been added due to the fecal coliform impairment, since fecal coliform is known to be present in sanitary wastewater. These requirements are established based on the Class I Sanitary General Permit and LAC33:IX.2709.D, and will be used to gather data for possible future TMDL development.

6. PROPOSED EFFLUENT LIMITS

BASIS: See Rationale below.

7. COMPLIANCE HISTORY/COMMENTS

A compliance history/DMR review was done covering the period of September 25, 2004 to November 2, 2009.

1. Compliance History – A file review disclosed that one pending enforcement action has been issued to Marine Coatings & Linings, LLC, Plaquemines Parish, Alt. ID No. LAR05N697, AI No. 25350. The action is a September 17, 2009 issued Consolidated Compliance Order & Notice of Potential Penalty (CONOPP) (enforcement tracking no. WE-CN-09-0100). In reference to this permit, an October 30, 2008 inspection revealed the facility is operating and has an unpermitted discharge from a STP (sewage treatment plant). This CONOPP requires Marine Coatings & Linings, LLC to obtain a LPDES water discharge permit for the office STP. A LPDES Notice of Intent (NOI) was submitted to this Office within thirty days, as required by this CONOPP. Also, this CONOPP requires Marine Coatings & Linings, LLC to monitor and report all discharges until a final LPDES permit is issued, or until they are otherwise notified in writing by the department, under the following interim schedule:

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS OUTFALL 002 – TREATED SANITARY WASTEWATER

<u>Effluent Characteristics</u>	<u>Monthly Average</u>	<u>Weekly Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow (GPD)	_____	Report	1/3 months	Estimate
BOD ₅	N/A	45 mg/L	1/3 months	Grab
TSS	N/A	45 mg/L	1/3 months	Grab
Fecal Coliform	200 colonies/ 100 ml	400 colonies/ 100 ml	1/3 months	Grab
pH (standard units)	6.0 (Min)	9.0 (Max)	1/3 months	Grab

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If the value of any effluent characteristics exceed the Weekly Maximum limit in any sample, then the Measurement Frequency shall increase to 1/month. This increased frequency shall continue until a sample demonstrates a value less than or equal to the Weekly Maximum. If the pH value is below 6.0 standard units or above 9.0 standard units, then the Measurement Frequency shall increase to 1/week. This increased frequency shall continue until a sample demonstrates a value between 6.0 and 9.0 standard units. The results of the increased frequency shall be included in the calculation and reporting of the data submitted in the DMR. Marine Coatings & Linings, LLC shall comply with the General Criteria for water quality standards listed in LAC 33:IX.1113.B.

DMRs shall be submitted no later than the twenty-eighth day of the month following the monitoring period, which should have begun on the first day of the month following issuance of this CONOPP.

If the Weekly Maximum limitation on any parameter is exceeded, Marine Coatings & Linings, LLC shall report said excursion(s) in writing to the Office of Environmental Compliance, within five working days after becoming aware of the violations.

2. DMR Review/Exceedances Reported – No DMRs have been filed for this facility / stormwater discharges covered by the Multi-Sector Storm Water General Permit authorization LAR05N697.
3. Inspections – The last water permit routine LDEQ Compliance Evaluation Inspection (CEI) was performed on October 30, 2008, in response to a July 31, 2008 dust/particulates/sandblasting complaint that the company was barge sandblasting and painting over water, generating hazardous materials that were being deposited on water bottoms of downstream properties. On December 30, 2008, this matter was referred from LDEQ Surveillance to LDEQ Enforcement. Areas evaluated as unsatisfactory during the inspection included stormwater, permit verification, self-monitoring program, flow measurement, and facility site review. A summary of findings from the inspection included not clearly defined stormwater outfalls, a sewage treatment plant with an unpermitted discharge, soil around the diesel storage tank and the air compressors is stained with diesel spills, stormwater flow was not estimated or measured and documented, stormwater samples were not taken or analyzed during 2007, and there were no man made culverts or discharge points to direct the flow of stormwater off of the property.

Considering the company's past compliance history, the facility's last water permit inspection, and the best professional judgment of the reviewer / recommendation from LDEQ Enforcement, it has been determined that the proposed draft permit conditions adequately address the applicant's history of violations.

Please be aware that the Department has the authority to reduce monitoring frequencies when a permittee demonstrated two or more consecutive years of permit compliance. Monitoring frequencies established in LPDES permits are based on a number of factors, including but not limited to, the size of the discharge, the type of wastewater being discharged, the specific operations at the facility, past compliance history, similar facilities, and best professional judgment of the reviewer. We encourage and invite each permittee to institute positive measures to ensure continued compliance with the LPDES permit, thereby qualifying for reduced monitoring frequencies upon permit reissuance. If the Department can be of any assistance in this area, please do not hesitate to contact us. As a reminder, the Department will also consider an increase in monitoring frequency upon permit reissuance when the permittee demonstrates continued non-compliance.

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8. ENDANGERED SPECIES

The receiving waterbody, Subsegment 020601 of the Barataria Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated November 17, 2008 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

9. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

10. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Louisiana Department of Environmental Quality has made a tentative determination to issue a permit for the discharges described in the applications.

11. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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Rationale for Marine Coatings & Linings, LLC

1. Outfall 002: the discharge of treated sanitary wastewater.

<u>Pollutant</u>	<u>Limitation</u>	<u>Reference</u>
Flow (GPD)	Report**, *	LAC 33:IX.2707.I.1.b
BOD ₅	30 mg/L**, 45 mg/L*	BPJ; LAG530000
TSS	30 mg/L**, 45 mg/L*	BPJ; LAG530000
Fecal Coliform	200 colonies/100 ml**, 400 colonies/100 ml*	BPJ; LAG530000
pH	6.0 – 9.0 standard units (Minimum – Maximum)	LAC 33:IX.1113.C.1

* Daily Maximum

** Monthly Average

BPJ Best Professional Judgment
 GPD Gallons Per Day
 BOD₅ Biochemical Oxygen Demand (5-Day)
 TSS Total Suspended Solids

Treatment: Micro-Bacterial; Clarifier; Chlorination.

Monitoring Frequency: 1/6 months for all parameters, at the point of discharge from the STP prior to combining with other waters.

Limits Justification: BPJ; per the Class I Sanitary Discharge General Permit (LAG530000), Schedule B, Treated Sanitary Wastewater less than 5000 GPD and similar discharges. The statistical basis for flow, BOD₅, TSS, and fecal coliform has been established as daily maximum discharge limitations instead of weekly average discharge limitations. This is consistent with current Office guidance for sanitary discharges at industrial facilities.

2. Outfall 03B: the intermittent discharge of facility ballast water, dry dock ballast water, and void water.

<u>Pollutant</u>	<u>Limitation</u>	<u>Reference</u>
Flow (MGD) ¹	Report**, *	LAC 33:IX.2707.I.1.b
COD ¹	250 mg/L*	Similar Discharges; BPJ
Oil and Grease ¹	15 mg/L*	Similar Discharges; BPJ
Visible Sheen ²	No Presence	Similar Discharges; BPJ
pH ¹	6.0 – 9.0 standard units (Minimum – Maximum)	LAC 33:IX.1113.C.1

* Daily Maximum

** Monthly Average

BPJ Best Professional Judgment
 MGD Million Gallons per Day
 COD Chemical Oxygen Demand

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1. **Discharge shall be sampled whenever there is a presence of a visible sheen.**
2. **When discharging.**

Treatment: None

Monitoring Frequency: 1/day for Visible Sheen. Flow, COD, Oil & Grease, and pH shall be monitored once per event, at the point of discharge from the vessel/dry dock prior to combining with other waters.

Limits Justification: Limits and Monitoring Frequency are based on current guidance for similar discharges from other industrial facilities.

Storm Water Pollution Prevention Plan (SWP3) Requirement

The facility's stormwater discharges are covered by the Multi-Sector Storm Water General Permit authorization LAR05N697. Barge BMPs are comparable to the SWP3 requirements; therefore, barge BMPs will be applied instead. Should the permittee terminate coverage under general permit authorization LAR05N697 during the life of this permit, the permittee shall request a modification to incorporate stormwater discharges into this permit.